



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Analysis of Section 498A IPC: Legal Armor or Legal Ammunition?

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Received 27 November 2024; Accepted 28 December 2024; Published 31 December 2024

Recently, in the matter of Achin Gupta v State of Haryana & Anr¹, Justices JB Pardiwala and Manoj Misra warned against using police resources to pressure the husband so that the wife can manipulate him at the prompting of her family or friends.² This judgment brings to the fore the pressing problem of the abuse of Section 498A of the Indian Penal Code (IPC).³ Section 498A was enacted with the good intent of providing protection to married women being mistreated by their husbands or in-laws. It is aimed at providing women experiencing harassment, domestic violence, or dowry abuse with the legal recourse to justice and protection within their marriage. However, this provision has been abused and it is the abuse that has had an adverse effect on families and persons with time. The heated controversy surrounding the implementation of section 498A has generated substantial debate in legal, social, and academic circles. They argue that while the law is critical in protecting women from real instances of domestic violence, its abuse leads to innocent being wrongfully arrested and their reputations ruined as well as protracted litigation. The crux of the matter concerns the need to vindicate the rights of women and make sure the law is not abused.

Keywords: *police resources, section 498A, domestic violence.*

¹ *Achin Gupta v State of Haryana & Anr* (2024) 6 SCR 129

² Yash Mittal, 'S. 498A IPC Can't Be Applied Mechanically In All Cases Where Wife Complains Of Harassment Or Ill-Treatment By Husband : Supreme Court' (*Live Law*, 04 May 2024) <<https://www.livelaw.in/supreme-court/s-498a-ipc-cant-be-applied-mechanically-against-husband-day-to-day-quarrels-between-spouses-may-not-amount-to-cruelty-supreme-court-256965?fromIpLogin=48372.00938294517>> accessed 19 September 2024

³ Indian Penal Code 1860, s 498A

INTRODUCTION

Section 498A of the Indian Penal Code⁴ was enacted as a safeguard to protect married women from cruelty, harassment, and dowry-related abuse by their husbands or in-laws. While the provision serves as a critical shield against domestic violence, its misuse has sparked significant debate. Critics argue that false accusations under Section 498A have led to the wrongful imprisonment of innocent individuals, damaging families, careers, and reputations. This paper delves into the legislative intent, judicial interpretations, and societal implications of Section 498A, highlighting both its indispensable role in addressing genuine grievances and the challenges posed by its misuse. By examining key case laws, statistical data, and reforms suggested by the judiciary and legal commissions, the study aims to strike a balance between safeguarding the rights of women and preventing the misuse of this powerful legal provision, ultimately advocating for reforms that ensure justice for all affected parties.

OBJECT AND PURPOSE OF THE STUDY

This project explores the labyrinth of Section 498A IPC, its legal intent, misuse and ramifications on people brought into the clutches of the law, and their families. This study aims to provide a broader approach to the functioning of Section 498A in the Indian legal Matrix through analysis of laws, jurisprudential precedents, judicial solutions, and suggestions for reforms. It is intended to understand the balance of defending women from domestic violence and how this door needs to stay closed enough that people don't walk through it for personal revenge. Using multiple perspectives and proposals this project hopes to contribute to the present debate on modernizing/ enforcing legislation such as Section 498A so that justice does not suffer due balance to all parties.

RESEARCH QUESTIONS

1. What is the intent of the lawmakers behind Section 498A IPC?

⁴ *Ibid*

2. How prevalent is the misuse of Section 498A IPC?
3. What are the legal and social impacts of false accusations under Section 498A IPC?
4. How has the judiciary responded to the misuse of Section 498A IPC?
5. What reforms can address the reported misuse of Section 498A IPC while protecting actual victims?

RESEARCH METHODOLOGY

This project utilizes a doctrinal research methodology to examine Section 498A IPC, analysing its legal framework, judicial interpretations, and reported misuse. Primary sources include the Indian Penal Code, relevant Supreme Court and High Court judgments, and legislative debates that provide insights into the section's intent and judicial response. Additionally, qualitative analysis of case studies illustrates the impact of Section 498A on both victims and accused individuals, highlighting instances of misuse and its social repercussions. Law Commission reports, and government publications provide scholarly perspectives on Section 498A, aiding in an informed evaluation of the section's effectiveness and areas for improvement.

LEGAL FRAMEWORK OF SECTION 498A IPC

Historical Content and Legislative Intent Behind Section 498A IPC -

The issue of dowry crimes has been a longstanding problem in Indian society, with cruel acts towards married women as a common occurrence. The woman, post-marriage, residing with her husband and his family, anticipates being treated kindly and lovingly, not cruelly and aggressively. In keeping with Indian customs, the woman silently endures numerous troubles, challenges, and even affronts to guarantee the success of the marriage. She tolerates her husband's unhealthy habits. Nevertheless, she might choose to end her own life if the pain becomes too overwhelming. To the Indian woman, marriage holds immense importance, and she strives to uphold its sanctity by avoiding divorce.⁵ All morally upright individuals in the country, including various women's groups, social workers, and even the judicial system, voiced

⁵ Ministry of Home Affairs, *Committee on Reforms of Criminal Justice System* (2003)

a significant level of worry regarding this act of cruelty.⁶ Cruelty towards women, especially those of lower castes, existed before British rule, yet limited data existed due to scarce research on marital cruelty. The feminist movements of the 1970s and 1980s brought attention to family violence and condemned the government's apathy towards the problem. In reaction to the increasing deaths of young women caused by harassment over dowry. Before this law, women encountered major obstacles when trying to report abuse, with law enforcement frequently ignoring their allegations without proof. The Dowry Prohibition Act of 1961⁷, revised multiple times, aimed to combat dowry-related violence. Noteworthy demonstrations, such as those protesting the rape of Rameezabee in Hyderabad and the incident in Mathura, were pivotal moments in the fight for women's rights, highlighting concerns about violence and dowry requests. In the fight against dowry, the common belief connected all types of violence against women at home to dowry requests. The main emphasis was on violence carried out by husbands and in-laws, often disregarding other types of abuse experienced by women in their marital and parental households. As the women's movement grew stronger, several once-forbidden topics became known for debate. Many women started to speak out about their abuse and harassment experiences, revealing that violence against wives was not only linked to dowry demands. This realization led to the emergence of the idea of 'spousal abuse' or 'partner violence,' encompassing a wider range of harm towards women in domestic settings.⁸ With the end of the Emergency in 1977, the women's movement gained momentum, revealing hidden forms of violence.⁹ As a result of this, Section 498A was added to the Indian Penal Code in 1983, to ensure appropriate punishment for any form of cruelty towards a married woman by her husband and his family members. The penalty includes a three-year prison sentence and a monetary fine. The offense can be recognized and is also not eligible for bail. The intention behind the introduction of Section 498A was to safeguard women from facing cruelty at the hands of their husbands or

⁶ 'Misuse of IPC 498A' (*Ministry of Home Affairs*, 20 October 2009)

<https://www.mha.gov.in/sites/default/files/Adv498_220114_0.PDF> accessed 19 September 2024

⁷ Dowry Prohibition Act 1961

⁸ Sawmya Ray, 'Legal Constructions of Domestic Violence' (2006) 55(3) *Sociological Bulletin*

<<https://www.jstor.org/stable/23620755>> accessed 19 September 2024

⁹ Tushar Singh Samota, 'Section 498A IPC Punishment' (*iPleaders*, 20 December 2022)

<https://blog.ipleaders.in/section-498a-ipc-punishment/#Historical_background_of_Section_498A_IPC> accessed 19 September 2024

family members. The description provided in the Section attempts to determine the meaning of 'cruelty' in those specific situations.

Text and Scope of Section 498A -

The header of Section 498A IPC¹⁰ is 'Husband or relative of husband of a woman subjecting her to cruelty' and it prescribes that either the husband or those persons who are or relatives of the husband of the woman and subject her to currently be punished for prison up to 3 years or with fine or both.¹¹ The definition implies that the fundamental element of such a rule is subjecting a woman to cruelty, which encompasses any conduct causing physical, mental, or emotional harm or humiliation. This includes acts of physical violence as well as psychological abuses such as systematic harassment, verbal abuse, and acts of humiliation. Cruelty is broad-based with all the different forms of abuse that married women undergo. The legal recourse for the rule specifically when the victim is a married woman to the perpetrator recognizing the victimization of women within marriage and judicial protection from the spouse or relatives responding to them as in offences. This recognition acknowledges that domestic violence typically includes not just the main perpetrator but also other family members who may aid or support the abuse. In addition, Section 498A requires that the mistreatment be linked to a dowry request, highlighting a major societal problem in India where the bride's family is frequently required to give valuable gifts or money to the groom's family during the wedding. Section 498A aims to address the widespread issue of abuse by connecting dowry demands with cruelty and offering victims important legal options to seek justice.¹² In a positive light, this Section avoids explicitly mentioning 'dowry' by referring to an 'unlawful demand for property' to define cruelty, which also includes mental cruelty. This broad definition can apply in other scenarios of domestic violence whether dowry is involved. The term 'grave injury,' however, provides the violence a grey area in which It can be interpreted, Cruelty and injury are subjective terms, as their assessment depends on the sensitivity, emotions, and perception of the individual subjected to

¹⁰ Indian Penal Code 1860, s 498A

¹¹ *Ibid*

¹² Samridhi M, 'IPC Notes- Section 498A of the Indian Penal Code' (*CLATalogue*, 09 June 2023) <<https://lawctopus.com/clatalogue/clat-pg/section-498a/>> accessed 19 September 2024

such treatment¹³. The lack of clearly defined benchmarks for evaluating the seriousness of continuous violence creates significant challenges, particularly for the many women who face relentless and ongoing assaults. This gap not only undermines the ability to address such issues effectively but also perpetuates the harm experienced by those subjected to such persistent abuse.¹⁴

Judicial Interpretation of Section 498A IPC -

The Judicial Interpretation and reasoning of Section 498A(Indian Penal Code) (IPC) has been explored and moulded over time. Imbued in law back in 1983 to stop the rampant issue of dowry abuse and harassment faced especially by married women, Section 498A has had several court battles over balancing the perpetration of this scandal to its corroborating role in protecting them. The Supreme Court of India meanwhile has repeatedly confirmed the constitutional validity of Section 498A, emphasizing that any criticism due to its potential misuse cannot override the imperative of its enforcement. The Court has held in *Sushil Kumar Sharma v/s Union of India & Ors.* (2005),¹⁵ that the mere potential for abuse of a legal provision does not invalidate the law itself, urging instead for mechanisms to address frivolous complaints. Similarly, in *Preeti Gupta v State of Jharkhand* (2010)¹⁶ the Court took note of the abuse of Section 498A and advocated for a check to curb unfounded and exaggerated accusations. High Courts in India have also taken steps to prevent wrongful arrests and ensure fair trials in cases involving Section 498A. For instance, the Delhi High Court in *Chander Bhan v State* (2008)¹⁷ where the Delhi High Court mandated a detailed examination before filing an FIR and stressed the importance of reconciliation attempts.¹⁸ The establishment of Family Welfare Committees (FWCs) was a notable judicial intervention aimed at mitigating misuse. In *Rajesh Sharma v State of UP*¹⁹, the Supreme Court ordered the creation of Family Welfare Committees to investigate

¹³ *Dr. N.G. Dastane v Mrs. S. Dastane* (1975) 2 SCC 326

¹⁴ Ray (n 8)

¹⁵ *Sushil Kumar Sharma v Union of India & Ors* (2005) 6 SCC 281

¹⁶ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667

¹⁷ *Chander Bhan v State* (2008) Bail Appl No 1627/2008

¹⁸ Kritika Garg, 'Interpretation of Section 498A IPC: Conflicting judicial Decisions and overstepping by the legislature' *The Leaflet* (06 August 2022) <<https://theleaflet.in/interpretation-of-section-498a-ipc-conflicting-judicial-decisions-and-overstepping-the-legislature/>> accessed 19 September 2024

¹⁹ *Rajesh Sharma v State of UP* (2018) 10 SCC 472

allegations under Section 498A prior to making any arrests. Nevertheless, this decision was overruled by a three-judge panel in the Social Action Forum for Manav Adhikar (2018)²⁰, stating that these committees did not have a legal foundation under the Indian criminal Law Framework.²¹ Debates on judicial overreach and adherence to Supreme Court precedents have been ignited by recent events, including the Allahabad High Court's introduction of a 'Cooling Period' and the establishment of Family Welfare Committees. These instructions, aimed at avoiding misuse, are perceived as contradicting established judicial standards and the fundamental principles of criminal law.²²

Changes under the Bhartiya Nyaya Sanhita 2023 -

Under the newly enacted BNS, which will replace the IPC from 1st July 2024, Section 498A IPC has been replaced with Sections 85 and 86 of the BNS 2023.²³ Despite various modifications in the BNS in terms of definitions and penalties. Section 498A remains unchanged from its original form in the IPC. The BNS has divided Section 498A into two sections, where Section 85 states the punishment for cruelty towards a wife by the husband or his relatives, making it the only difference²⁴, with the quantum of punishment being the same as under Section 498A IPC. Section 86 defines cruelty for the purpose of BNS²⁵, unlike Section 498 IPC, which had the quantum of punishment and the definition of cruelty contained in the same section.²⁶

²⁰ *Social Action Forum v Union of India and Ors Ministry Law and Justice* (2018) 72 OCR 1

²¹ Jismin Jose, 'Social Action Forum for Manav Adhikar & another v Union of India Ministry of Law & Justice & Ors.' (*Law Times Journal*, 08 March 2019) <<https://lawtimesjournal.in/social-action-forum-for-manav-adhikar-another-v-union-of-india-ministry-of-law-justice-ors/>> accessed 11 November 2024

²² Prof. (Dr.) Preeti Misra, 'Judicial Intervention With Regard to Cruelty Against Women : An Analysis of Sec. 498A IPC' (*BBAU*, 07 April 2020) <<https://www.bbau.ac.in/dept/HR/TM/Judicial%20Intervent.pdf>> accessed 19 September 2024

²³ J. K. Verma, *Bhartiya Nyaya Sanhita (Offences and Penalties)* (EBC 2024)

²⁴ *Bhartiya Nyaya Sanhita 2023*, s 85

²⁵ *Bhartiya Nyaya Sanhita 2023*, s 86

²⁶ Indian Penal Code 1860, s 498A

REPORTED MISUSE OF SECTION 498A

Scope for Misuse -

Dr. Justice V Malimath, chairing the Committee on Reforms of the Criminal Justice System in 2003, voiced significant issues regarding the abuse of Section 498A IPC. This part was created to shield wives from mistreatment by their spouses and family members, including intentional behaviour that could lead a woman to suicide, result in serious harm, or involve harassment for illegal requests. The provision is of course important to safeguard women's rights, but unforeseen results have followed from the non-bailable and non-compoundable aspects of this provision. Indian customs followed by women often expose them to numerous challenges in sustaining their marriages. However, if their suffering becomes unbearable, women often turn to Section 498A for redressal. In most cases, the registration of an FIR under this provision leads to the immediate arrest of the husband and his family, resulting in profound consequences such as job loss and financial instability. If the woman does not have her own source of income, she may need to return to her parents' family, where the help she receives may not be enough. Furthermore, maintenance requests are typically more acknowledged when payments are missed, especially if the husband is unemployed because of being detained. If the offense cannot be settled, the criminal case will continue even if the couple divorces or reconciles, making it impossible to go back to being married. The committee pointed out cases in which impulsive grievances over minor issues resulted in the arrest and imprisonment of innocent family members, causing prolonged custody and stigma. The problem is made worse by the fact that complaints cannot be withdrawn, even if the woman wants to make amends. The committee determined that these cruel stipulations, which prevent the offense from being granted bail or settled out of court, impede reconciliation, and frequently leave the woman vulnerable with her original family. Hence, it is suggested to allow the offense to be bailable and compoundable to aid in reconciliation, benefiting both spouses and promoting family harmony.²⁷

²⁷ Ministry of Home Affairs (n 5)

Statistics concerning Misuse of 498A IPC -

The misuse of Section 498A IPC has been a topic of concern for legal authorities and the public alike. Justice Gavai, along with other Judges across India, openly acknowledged that provisions related to domestic violence and Section 498A are among the most abused in India. According to Reports of the National Crime Record Bureau in 2005, for a total of 58,319 cases reported under Section 498A IPC, a total of 1,27,560 people were arrested, and 6,141 cases were declared false on account of mistake of fact or law. In 2009 a total of 89,546 cases were reported, a total of 1,74,395 people were arrested, and 8,352 cases were declared false on account of mistake of fact or law.²⁸ According to the 'Crime in India, 2012 Statistics' report by the National Crime Records Bureau, Ministry of Home Affairs, 1,97,762 individuals were arrested across India in 2012 for offenses under Section 498-A of the IPC, marking a 9.4% increase from 2011. Of those arrested in 2012, nearly a quarter (47,951) were women, indicating that mothers and sisters of husbands were frequently included in these arrests. This category constituted 6% of all arrests under the Indian Penal Code. As per Report of Crime in India, 2013, the National Crime Records Bureau further pointed out that of 4,66,079 cases that were pending at the start of 2013, only 7,258 were convicted, while 38,165 were acquitted and 8,218 were withdrawn.²⁹ Offenses under Section 498-A represented 4.5% of all crimes recorded under various sections of the penal code, surpassed only by theft and hurt. The charge-sheeting rate for Section 498-A cases was notably high at 93.6%, yet the conviction rate was just 15%, the lowest among all crime categories. As of now, 3,72,706 cases are pending trial, with an estimated 3,17,000 likely to end in acquittal.³⁰ In recent years, there has been a growing trend of women misusing these laws by filing false complaints against their husbands and in-laws, often motivated by revenge or a desire to tarnish their reputations in society.³¹ According to the National Crime Records Bureau (NCRB) Report of 2020, approximately 1,11,549 cases were registered under Section 498A IPC. Out of these, 5,520 cases were found to be false, and 16,151 cases were closed by the police due to reasons such as false allegations, mistakes of fact or law, civil disputes, or insufficient evidence. These figures indicate a considerable proportion of cases that do not hold up under scrutiny.³²

High-Profile Case Studies of Misuse -

Some of the High-Profile Cases Regarding misuse of the 498A Include:

Sushil Kumar Sharma v Union of India (2005):³³ In the case of *Sushil Kumar Sharma v Union of India and Ors (2005)*, the petitioner contested the legality of Section 498A of the Indian Penal Code (IPC), concerning the mistreatment of married women by their spouses or family members. The petitioner claimed that the provision was being abused by some to falsely accuse husbands and in-laws, turning legal action into harassment. The court was urged to either deem the provision unconstitutional or establish guidelines to prevent abuse in cases of false accusations damaging reputations without resulting in convictions, as numerous instances of alleged misuse were brought to attention. A 2-judge panel confirmed the constitutionality of Section 498A³⁴, stating that it intends to address the issue of dowry and violence against women. Nevertheless, the Court acknowledged that in certain instances, the provision was being taken advantage of, resulting in what was referred to as ‘legal terrorism’ and the destruction of personal grudges. The Court noted that being acquitted in false cases does not remove the shame, especially with media attention, and emphasized that laws should be a protection, not a tool for intimidation. The ruling highlighted the importance of implementing laws to prevent misuse by the government while stating that the section should not be invalidated only because of the chance of it being exploited. The ruling urged courts to serve as guardians, making sure that innocent people are fairly harmed by baseless accusations. The court remarked that *‘by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassins’ weapon. If the cry of ‘wolf’ is made too often as a prank assistance and protection may not be available when the actual ‘wolf’ appears.’* Indicating the ill effects of the false cases of the provision on genuine cases of cruelty towards the wife.

Arnesh Kumar v State of Bihar & Anr (2014):³⁵ The petitioner, Arnesh Kumar, was accused under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 in the significant case of *Arnesh Kumar v State of Bihar & Anr*. His wife, Sweta Kiran, made allegations against him and his family for asking for a dowry, which included Rs. Eight lakhs, including a Maruti car, an air-conditioner, and various other items. Kumar faced the immediate risk of being arrested because of these accusations, even though his efforts to obtain anticipatory bail from the lower

³³ *Sushil Kumar Sharma v Union of India* (2015) 6 SCC 281

³⁴ Indian Penal Code 1860, s 498A

³⁵ *Arnesh Kumar v State of Bihar & Anr* (2014) 8 SCC 273

courts were denied. As a result, he filed a Special Leave Petition with the Supreme Court. The Supreme Court's ruling in the case of Arnesh Kumar placed a significant emphasis on the abuse of Section 498A of the IPC. The Court acknowledged that although Section 498A was created to address the mistreatment of women by their spouses and relatives, it had been increasingly abused. The 2 Judge bench observed, *'The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shields by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested.'*

Rajesh Sharma v The State of Uttar Pradesh (2017):³⁶ Rajesh Sharma and his family were accused by his wife under Section 498A of the Indian Penal Code (IPC) in the case of Rajesh Sharma v The State of Uttar Pradesh. The person who made a formal accusation, who got married to Rajesh Sharma on November 28, 2012, alleged that her spouse's parents were not happy with the dowry provided and requested an extra ₹3,00,000 along with a car. She also claimed that because her demands were not met, she experienced mistreatment which resulted in the termination of her pregnancy. Rajesh Sharma was called to the trial court for offenses under Sections 498A and 323 IPC, following which his family members were also summoned. The 3 Judge Supreme Court bench discussed the rampant misuse of Section 498A of the IPC, which aims to safeguard women from cruelty and dowry harassment. The Court observed a trend of implicating not just husbands but their whole families with unclear accusations, causing unnecessary harassment. It highlighted the importance of putting measures in place to avoid arbitrary detentions, advocating for the creation of Family Welfare Committees to assess complaints before any official steps are taken. The Court emphasized that a vast number of cases stem from minor disagreements, leading to numerous unfounded complaints and a noticeably low rate of convictions. It suggested strict rules for police actions, advising them to obtain permission from higher-ranking officials before carrying out arrests and verifying that allegations are backed by reliable proof. The decision sought to uphold the rights of women while also ensuring the dignity of those falsely accused. The Court also noted that *'There is a*

³⁶ *Rajesh Sharma v The State of Uttar Pradesh* (2018) 10 SCC 472

growing tendency to abuse the said provision to rope in all the relatives including parents of advanced age, minor children, siblings, grand-parents and uncles on the strength of vague and exaggerated allegations without there being any verifiable evidence of physical or mental harm or injury. At times, this results in harassment and even arrest of innocent family members, including women and senior citizens. This may hamper any possible reconciliation and reunion of a couple.'

Impact on Victims' Families -

Misuse of Section 498A IPC can have profound consequences for both the accused (and their family) on a large scale. Mis-accusations under this provision are seldom just, leading to individual exclusion from the exceedingly initial stages and great damage to reputation, and personal/social networks. Before any legal proceedings or inquiries take place, the defendant is entitled to social disgrace and public contempt. Quick judgment can ruin their professional and personal life, with nothing but mental scars. A wrongfully accused based on Section 498 IPC from 498A becomes a victim of intense mental trauma that compounds life with increasing anxiety, depression, and extreme disillusionment by societies. False accusations under Section 498A IPC have serious legal implications for innocent people. They might be incarcerated, imprisoned, and have lengthy legal wars-testing them on an emotional and financial level proving their innocence. Participating in the process usually means big legal fees and it is a tremendous emotional burden to maneuverer one's way through law. The potential to be wrongfully imprisoned and the unknown consequences that follow can be extremely traumatic. The social consequences span more than the accused themselves and lead to a catastrophic impact on their families too. In addition to stigmatizing the family, societal alienation could be an intensifier for the perceived shame of being publicly associated with a family member. Society's perspective on family guilt resulting from being associated with another person often creates tension and fractures within the family. It keeps the cycle of stigmatization and mental torment going as the descendant of a defendant can be bullied or made to be ostracized at school. Further, the defendant often comes with multiple hurdles in their career. Individuals wanting to work with someone involved in such serious allegations may not want to be associated with them causing the loss of the job or difficulty in finding it. The negative Snopes prestige will continue to follow a person even after the legal conflict is officially over and may make real job

opportunities scarce, no matter how far from this point you wish to move. The effect of these together can have a tremendous impact on the defendant and his family as a whole and starting over is nigh impossible by the time they are exonerated.³⁷ Getting arrested results in shame limits one's freedom, and causes permanent damage. Both legislators and law enforcement officers comprehend this. Nevertheless, a continuous conflict still exists between them. Even after more than sixty years of independence, the police continue to maintain their colonial image and are frequently perceived as instruments of intimidation and subjugation rather than allies of the community.³⁸

REFORMS AND RECOMMENDATIONS

Recommendations Suggested by the Judiciary -

The Supreme Court of India has consistently considered the abuse of section 498A IPC and has frequently called on lawmakers to amend the section to prevent its misuse while still maintaining its purpose of safeguarding married women from potential mistreatment by their husbands and their families. The Supreme Court has consistently used precedents to make sure victims of false 498A cases can receive justice on their authority. In the recent lawsuit between Achin Gupta and the State of Haryana,³⁹ the Supreme Court restated that if there is evidence of a complainant (such as the wife in this case) involving her husband and his close relatives with a hidden agenda, then the Court must look beyond the FIR and chargesheet to determine the true intention of the complainant and approach the matter pragmatically when delivering justice. The Supreme Court also emphasized the necessity for the legislature to reconsider the provision seriously in the same case.⁴⁰

³⁷ Taru Singhal, 'The Double-Edged Sword: Uncovering the Misuse of Section 498A IPC by Women in Marital Disputes' (2024) SSRN <<https://dx.doi.org/10.2139/ssrn.4790189>> accessed 20 September 2024

³⁸ *Arnesh Kumar v State of Bihar & Anr* (2014) 8 SCC 273

³⁹ *Achin Gupta v State of Haryana* (2024) SCC OnLine SC 759

⁴⁰ Deeksha, 'SC Asks Centre to Make Necessary Changes to S. 498-A upon Considering Pragmatic Realities' SCC Times (07 May 2024) <<https://www.sconline.com/blog/post/2024/05/04/sc-asks-centre-to-make-necessary-changes-s498a-considering-pragmatic-realities/#fnref1>> accessed 20 September 2024

RECOMMENDATIONS SUGGESTED BY LAW COMMISSIONS

The Law Commission of India suggested revisions to Section 498A IPC to maintain a balance between protecting women and decreasing instances of misuse. One important suggestion is to allow Section 498A to be compounded with the court's approval, enabling parties to settle disputes in a friendly manner. Compounding entails a legal process in which the woman who has been wronged can state her desire to drop the case, after which there is a three-month period to reconsider before completing the agreement. This method makes sure that the choice to reconcile is made willingly and decreases situations in which couples are unable to cancel the case even if they want to get back together because of irreversible legal implications. Furthermore, the commission emphasized the importance of retaining Section 498A as a non-bailable offense while implementing clear procedural protections. This involves the stringent implementation of Sections 41 and 41A of the CrPC, which limit the authority to make arrests to only when credible evidence is present. These precautions are in place to stop random arrests and make sure that law enforcement confirms the validity of accusations with an initial inquiry before making an arrest, preventing sudden imprisonment due to possibly inflated or trivial accusations. Additionally, the Commission suggested establishing Mediation and Counselling Centres, particularly within police stations, with trained experts available to help mediate conflicts in the initial phases. This would grant the spouses an opportunity to resolve issues outside the formal judicial process and mitigate the escalation of minor disagreements into full-blown legal battles. Police stations were also directed to have Mahila Desks set up to make them sensitive in domestic violence cases and create an enabling environment for women to flourish. Also, there was a need to increase the awareness campaigns at the grassroots rural and urban levels about laws (most importantly laws that protect women). This would educate the men about cruelty and harassment and would let women know what is going on through, Section 498A, foreseeing a balanced awareness.⁴¹

⁴¹ Law Commission, *Section 408 IPC* (Law Com No 243, 2012)

OTHER RECOMMENDATIONS

Apart from the Law Commission Inquiries, other reforms would help in better implementation of Section 498A and plug both misuse 'holes' as well as afford protection needs. For one thing, a gender-neutral approach to Section 498A would mean its scope was not applied just in cases of gender-based cruelty specifically but to any spouse. Re-shaping with changing times, would be more apt for today's family set-up and ensure that the silent suffering (mostly men or community marriages) due to abuse at home is reported. Second, a pre-police investigation such as through a neutral third-party mediator or family welfare officer for example can be undertaken in every case as a provisional inquiry before arrest. Maintaining the privacy of families and providing room for de-escalation, mediation, or reconciliation, would prevent police from intervening based on suspicion of abuse. Yet another enhancement could be the implementation of counselling sessions compulsory between both parties before a case goes to judicial, made with qualified mental health instructors, not police or legal representatives for every complaint. This way parties could discuss in a more productive manner, which would likely decrease miscommunication or early resolution. It can also lay the groundwork for data collection and monitoring to measure the success of Section 498A cases, showing a skew in both true and false cases. This data could help inform mid-course corrections on policy moving forward so that as misuse evolves, the judiciary remains nimble. Next, enact stricter punitive measures for filing an unwanted case Finally Under Section 498A falsely implicated the current penalty is less. But with the proper consequences for false accusations, clear consequences mean fines or legal accountability for claimed lies. More importantly, doing the same for rural and economically weaker women under domestic cruelty would fulfil in piety of the law as it makes legal aid services easily reachable to these women in distress, which they can take advantage of immediately.

CONCLUSION

Section 498A of the Indian Penal Code is especially important to protect wives from cruelty and harassment by dowry but the law is not properly implemented. However, this project demonstrates that the provision has been widely misused with disastrous results for many families and persons. Many legal adjudications have become a mechanism of 'legal terrorism'

due to false complaints under Section 498A⁴² that are the root of defamation and hurt mental health as well. After reading the cases, studied data and journey of academic debates changes are necessary to hold both intentions of the legal system protective chair and making sure all affected parties are treated fairly. One needs to strike the right balance between giving teeth to protection and making sure procedural safeguards are there so that it does not get misused. The judiciary has suggested ways, and the Law Commission reports, and other reform proposals are recommending different fixes such as controlling, non-gender-based applicable counselling, and severe penalties for false accusations. These changes are crucial for the draconian query to remain a potent legal weapon against true cases of domestic violence and help clear this statute of baseless complaints finally. Hence a redrafted way in which Section 498A should be dealt with will ensure justice is served to wronged individuals, along with, well, taking care of the rights of the accused.

⁴² India Penal Code 1860, s 498A